



PREPARATION OF CZECH PUBLIC ADMINISTRATION FOR EU MEMBERSHIP

POLICY PAPER – EUROPEAN POLICY FORUM - EUROPEUM

MAY 2002

1. Czech Public Administration and the European Union

1.1. EU requirements for Czech public administration

Insufficient quality of Czech public administration is a constant motive of criticism of the Czech republic in the European Commission regular reports. The primary reason why the EU is so interested in preparation (and possibly reform) of Czech public administration is its concern with the capacity of Czech authorities to fulfil the obligations arising from the EU membership. European Union is based on the presumption of effective functioning of administration in the member states. The sanction mechanisms in case of failure to comply with EC law (Commission action against a member state before the ECJ or action for damages of individual plaintiffs) act rather as supplementary measures. The concern of the EU in a functioning public administration is, however, not limited only to obligations of Czechia towards the EU. Even the functioning of public administration “in favour of member states”, (e.g. when managing the financial transfers from the structural funds or the scholarships for students and universities) is of an importance to European institutions. The inability of public administration to make advantages emerging from EU membership can evoke a frustration in a member state targeted against the EU bodies.

1.2. Representing the Czech interest in EU institutions

The existence of a functioning public administration is equally important for its activity at the Community level. The representatives of Czech authorities must be able to defend the Czech interests in a “competition” of the representatives of bureaucracies of other member states

(typically in the Council working groups). In order to meet this target, a combination of quality administration with the knowledge of domestic and EU policies and negotiation tactics is necessary, as well as an effective communication of officials negotiating in Brussels with the domestic bodies who formulate the national positions. One of the crucial tasks for public authorities will be for instance distinguishing the binding European regulation from non-binding recommendations. While in case of binding regulation the task will be to implement these rules correctly, as to recommendations the (non) implementation will remain a matter of a political decision.

2. EU impact on the Czech public administration

2.1. Limitation of EU impact

The EU has only a limited influence on the reform of Czech public administration. The reform is not initiated solely by a foreseen EU enlargement but is a widely complex issue including more general questions of slimming the public administration, introduction of managerial methods or the increase of transparency in public activities. It is also impossible to limit the debate on the reform of public administration only to training. The problem concerned involves the elements of fight against corruption, the cultivation of attitudes and approach of administration towards the citizens.

2.2. Communication with the other member states

There are two aspects of the impact of the preparation for EU membership on the Czech administration. The first is the opening of a more profound discussion on the needs of a reform and quality of services expected. The other aspect involves a higher degree of communication between the national authorities and their counterparts in the other EU countries (to a lesser extent those in other candidate states).

2.3. Inspiration by Brussels authorities

“Brussels inspiration” (i.e. the inspiration by administrative practice in EU institutions) for Czech administration is fairly limited. The effect of Brussels inspiration is further diminished by the fact that it is especially the Brussels bureaucracy symbolising the negative sides of European integration, regardless of a real quality of Brussels officials. This quality in many respects (e.g. the education of clerks or their language capacities), largely exceeds the average level of administration in the member states.

3. Career versus managerial system in the public administration

3.1. Management methods in the public administration

Since 1980's, one can trace the reinforcement of management methods in the EU administrations. Public administration is opening up. The appointment of higher *fonctionnaires* is done on basis of criteria other than solely the number of years in service. Another trend we can observe is the transfer of competencies of public administration to private bodies (the so called privatisation of administration) and the introduction of financial motivation in the system (for instance differentiated administrative fees according to the length of administrative proceedings).

3.2. Public Service Act

At the moment the so called Public Service Act is in an advanced phase of a legislative process. This should ensure the quality functioning of the administration in a complex way (language requirements, continuous training, obligation to strive for meeting the demands of the citizens) as well as its stability (increase of wages, qualitatively higher health care, higher settlement upon retiring). Unlike the original governmental bill it does not introduce the *definitive*. Public Service Act is often cited in the media as a pre-condition for the Czech accession. The link of the mentioned act with European integration is reflected in the proposed entry in force of this regulation, correlating with the intended Czech accession to the EU at the beginning of 2004. However, the existence of Public Service Act is not a *conditio sine qua non* of Czech accession. What the EU requires is the effectiveness and quality of the administration, not a particular system. The truth is that in a majority (two thirds) of current member states there is an analogy of a career system (often connected with the *definitive*) and the career system is used also in EU institutions. This, however, does not exclude different modifications in the member states. The example of Poland where the career system was introduced a few years ago then demonstrates the fact that a mere adoption of a public service act not accompanied by structural changes (like the elimination of political pressures when appointing the *fonctionnaires*) does not necessarily imply a sufficient preparation of public administration for EU membership.

3.3. Risks of traditional (career) and managerial approaches

Neither the traditional (career) nor the managerial systems can be recommended for the purposes of public administration without reservations. The career system ensures the institutional stability, supports the traditional professional qualities of bureaucrats and the internal cohesion of administration. As to the managerial system applied to public administration, one can argue with different values inherent for public administration and private sector. While the former evokes the idea of public service, the latter is largely profit-oriented. The pre-condition for introduction of management methods in the administration is also the elaboration of an ethical system of public administration (Ethical Code of Officials) which is still missing in the Czech Republic.

On the other hand, the career system (especially in connection with the *definitive*) can lead to conservation of the administrative apparatus and the limitation of competition pressures that the officials are exposed to. The *definitive* often being a part of the career system (even though not the case in Czechia) brings yet another risk in the Czech milieu. If it was introduced even prior to the EU accession, it could fix those officials absolutely incapable of and incompetent in dealing with EU issues. For this reason, the introduction of the definitive in connection with officials working with the European agenda should be postponed at least for a few years after the Czech accession to the EU.

4. Public administration training

The public administration can be trained through three channels. The first would be a setting-up of specialised civil service training institute. Analogous institutes work in many EU countries – Civil Service College in the UK, HAUS in Finland or VAB in Austria. The Czech proposal for public administration reform takes this into consideration by creating the Institute of Public Administration and the Institute for Local Self - Government. The other way of training the officials are the training programmes within the ministries and other central administrative authorities. The third source of training is a system of education offered outside the public administration, e.g. at the universities. Most of the member states use the combination of all three channels.

A new element in Czechia, associated with the Public Service Act, is the creation of a central training institution capable of ensuring a high degree of expertise and a coherence of the

system of training. On the other hand, this can lead to a creation of totally closed elite of officials monopolising the decision on the functioning of public administration. If this institute is located in Prague, it will cause a further marginalisation of regions.

5. Image of Public Administration

The shift in the perception of public administration should follow two patterns: 1. shift towards perceiving the public administration more as a “public service”, 2. perception of the employment in the administration as a matter of prestige, not as a warehouse of less capable individuals or a preparation period before taking off for a business career.

Although the image of public administration does not necessarily have to correspond to its real qualities, the improvement of its quality in a long-term perspective will improve also the positive notion of public administration among the public.

6. Quality of elected representatives (and politicians) as a complementary element of public administration

6.1. Why training of politicians (elected representatives)

For the purpose of de-politisation of public administration, we have to distinguish two categories of persons involved – professional officials (not subject to change after the elections) and elected representatives (where the personal changes following the outcomes of the elections can be expected). The frequency of changes of elected representatives is on average higher than that of the professional body of officials. The quality of elected representatives is crucial because finally it is them who take the fundamental decisions. In EU matters, this applies to the Community level (binding decisions are not taken by officials but by the politicians in EU Council), at the national level (implementation of EU directives) or at the regional level. The key role at the implementation of regional policies at the level of NUTS II will be performed by the “regional councils”, consisting mainly of the elected representatives of regional representations.

6.2. How to train the politicians

The rules concerning the required quality of elected representatives are structurally different from the standards required from the officials. The quality (qualification) of an elected representative cannot be set as a pre-condition – it would be contrary to the principle of free choice of representatives by the electorate. For the purpose of improving the quality of elected representatives, a combination of three parallel activities can be used:

1. Pressure from the public. The electorate must be aware that a qualified elected representative can for instance attract more finance from the regional funds.

2. Pressure towards the professional surrounding of the elected representatives, e.g. through a higher contribution for a personal assistant educated in European matters
 3. Offer of the possibility of training within the framework of public service training .What can serve as an example here are the courses specialised at the training of elected representatives (even ministers), offered by the Civil Service College in the UK
7. On basis of the above analysis, the European Policy Forum is coming with the following recommendations and conclusions:
- 7.1. The question of public administration reform is not only a matter of EU preparation but forms part of a wider debate on changes in public administration. The EU sets forth only the objectives that the administration should meet, it is not so much concerned with particularities (not even at such a general level as the Public Service Act).
 - 7.2. The requirements imposed on public administration are not only Brussels-generated guidelines. The reform is eventually in the interest of the Czech Republic. Overestimating EU pressures on the public administration reforms can have a contra-productive effect.
 - 7.3. It is desirable to introduce the managerial elements in some public administration domains. However, otherwise it is beneficial to stick to the career system while the definitive should be introduced only a few years after the EU accession. The mere adoption of the Public Service Act does not necessarily imply the preparedness of the administration for EU membership.
 - 7.4. The shift in the perception of public administration should follow two patterns:
 1. Shift towards perceiving the public administration as “public service” and
 2. Perception of the employment in public administration as a prestigious one
 - 7.5. The training of elected representatives should run parallel and complementary to the public administration reform. The methods used will have to involve the pressures on the quality of elected representatives, indirect bids through the financing of support staff of politicians and offers of training within the public administration itself.

